

A-5642-extension

Extension of a previously approved appeal to complete an addition currently under construction, the yet-to-be-installed gutter of which would encroach eighteen (18) inches into the southwest seven (7) foot side yard setback.

Mr. Bailey C. Adams
5625 Grove Street

5625 Grove Street



Figure 1: View of 5625 Grove Street.



Figure 2: Completed addition and soffit under construction.



Figure 3: Detail of previous gutter being replicated.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 16th day of May, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-5642-extension
MR. BAILEY C. ADAMS
5625 GROVE STREET
CHEVY CHASE, MD 20815**

The applicant seeks a variance from the Board of Managers pursuant to Section 8-12 of the Chevy Chase Village Building Code for an extension of a previously approved appeal to complete an addition currently under construction, the yet-to-be-installed gutter of which would encroach eighteen (18) inches into the southwest seven (7) foot side yard setback.

The Chevy Chase Village Code §8-17 (g) states:

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

The Chevy Chase Village Code §8-12 (f) states:

Extension. The Board of Managers may extend any time limit imposed as a condition of a special permit or variance upon a reasonable showing that there has been no material change in circumstance since the special permit or variance was granted and, despite due diligence by the permittee, additional time is necessary to accomplish the approved construction.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

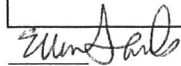
This notice was mailed to abutting property owners on the 6th day of May, 2011.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-5642-EXTENSION

**MR. BAILEY C. ADAMS
5625 GROVE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Ms. Lynn Kingsmill Or Current Resident 5616 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Victor B. Fisher Or Current Resident 5624 Western Avenue Chevy Chase, MD 20815
Mr. and Mrs. Kenneth L. Wiseman Or Current Resident 5621 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Chip Lunde Or Current Resident 3911 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Ronald A. Shapiro Or Current Resident 5620 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Oliver Davidson Or Current Resident 3915 Oliver Street Chevy Chase, MD 20815
Ms. Billie J. Webster Or Current Resident 3909 Oliver Street Chevy Chase, MD 20815	Mr. and Mrs. Enzo R. Grilli Or Current Resident 3917 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Jeremy Monthy Or Current Resident 5620 Western Avenue Chevy Chase, MD 20815	Mr. and Mrs. John H. Williamson Or Current Resident 3919 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Thomas P. Conaghan Or Current Resident 5628 Western Avenue Chevy Chase, MD 20815	Mr. Phillip Spector Ms. Carole Sue Lebbin Or Current Resident 3912 Oliver Street Chevy Chase, MD 20815



I hereby certify that a public notice was mailed to the aforementioned property owners on the 6th day of May, 2011.

**Ellen Sands, Permitting & Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



May 3, 2011

Mr. Bailey C. Adams
5625 Grove Street
Chevy Chase, MD 20815

Dear Mr. Adams:

Please note that your request for a variance to extend your previously approved appeal to complete your addition and install the gutter is scheduled before the Board of Managers on Monday, May 16, 2011 at 7:30 p.m.

Either you or a representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of your request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting & Code Enforcement Coordinator
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

SHANA R. DAVIS-COOK
Village Manager
DAVID R. PODOLSKY
Legal Counsel

BOARD OF MANAGERS
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Assistant Secretary

GAIL S. FELDMAN
Treasurer
LAWRENCE C. HEILMAN
Assistant Treasurer
PATRICIA S. BAPTISTE
Board Member

Chevy Chase Village Building Permit Application

Permit No: A-01642-extension

Property Address: 5625 Grove Street

Resident Name: Bailey C. Adams

Daytime telephone: 301-215-7500

Cell phone:

After-hours telephone:

E-mail: bcadams@comcast.net

Project Description:

Re-apply for variance appeal to complete previously approved soffit

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Primary Contact for Project:



Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Information for Primary Contact for Project (if different from property owner):

Name:

Work telephone:

After-hours telephone:

Cell phone: 301-215-7500

E-mail:

Will the residence be occupied during the construction project?



Yes



No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

Parking Compliance:

Is adequate on-site parking available for the construction crews?



Yes



No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?



Yes



No

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☒ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: _____

B. G. A. 10

Date: _____

4/22/11

To be completed by Village staff:

Is this property within the historic district? _____

Yes ☐

No ☒

Staff Initials: *ES*

Date application filed with Village: *4/22/11*

Date permit issued: _____

Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:
<div style="border: 1px solid black; padding: 5px; text-align: center;"> D E N I E D APR 22 2011 Chevy Chase Village Manager </div>	<i>An extension must be granted by the Board of Managers.</i>

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>0</u> (see Permit Fee Worksheet)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>0</u>	
	Date: <u>4/22/11</u> Staff Signature: <i>Ellen Sarkis</i>
Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Staff signature: _____
Cost of damage to R-O-W: (calculated at close-out) Amount of refund: _____	Date: _____ Staff signature: _____

For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
--

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 5625 GROVE ST.	
Describe the Proposed Project: Re-new variance appeal to complete previously approved 60ft - see letter of explanation	
Applicant Name(s) (List all property owners): Bailey C. Adams	
Daytime telephone: 301-215-7500	Cell:
E-mail: bcadams@comcast.net	
Address (if different from property address):	
For Village staff use:	
Date this form received: 4/22/11	Variance No: A-5642-extension

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: BLAD

Date: 4.21.11

Applicant's Signature: _____

Date: _____

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee	Checks Payable To:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	Date Paid:	
Fee Paid: 300.00	Staff Signature:	

Bailey C. Adams
5625 Grove Street
Chevy Chase, MD 20815

22 April, 2011

David L. Winstead, Chair
Board of Managers
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Chairman Winstead,

I was previously granted a variance to continue the 18" projection the eave of my residence as part of the addition I intended to construct. All of the addition work has been completed with the exception of the gutter portion of the eave. The roofer who fabricated the gutter material for this project, Matt McNellis, did so using material and fabrication equipment no longer available. Tragically, he has died and the material he fabricated for the project that I had paid for was lost in the disposition of his estate.

It has taken a long time but I have finally found a suitable replacement fabricator who can produce the necessary gutter material. All of the work will be completed within thirty (30) days of the granting of an extension to the original variance.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read 'Bailey C. Adams', written in a cursive style.

Bailey C. Adams

Previous Appeal Materials

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815
(301) 654-7300

BUILDING PERMIT

Permit Number: A-5642

Date Issued: November 9, 2009

Expires: November 9, 2010

Name of Property Owner:

Bailey C. Adams

Address of Construction:

5625 Grove Street

Chevy Chase, MD 20815

Contractor:

Adams General Contracting, Inc.

Contact Person:

Bailey C. Adams

Phone Number:

301-215-7500

WORK TO BE DONE

- Construct a 2-story rear addition with basement, a portion of which would encroach eighteen inches into the side yard setback.

SPECIAL CONDITIONS

- ☐ Work must be done in accordance with submitted application.
- ☐ This Permit is subject to the conditions stipulated in the decision from the Board of Managers, signed by the Board Secretary on November 18, 2009.
- ☐ Work must be completed by November 9, 2010.
- ☐ Posting of commercial signs is prohibited.

Permit Fee: \$550.00

Appeal Fee: \$300.00

Fines: N/A

Total Fees Due: \$850.00 (PAID)

THIS PERMIT MUST BE POSTED

SHANA R. DAVIS-COOK
Acting Village Manager
DAVID R. PODOLSKY
Legal Counsel

CHEVY CHASE VILLAGE
5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS
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BETSY STEPHENS
Assistant Secretary
GAIL S. FELDMAN
Treasurer
TIMOTHY J. TRIFILO
Assistant Treasurer
PETER M. YEO
Board Member

November 20, 2009

Mr. Bailey C. Adams
5625 Grove Street
Chevy Chase, MD 20815

Dear Mr. Adams:

Enclosed please find a copy of the Board's written decision approving your request to construct a rear addition, a portion of which would encroach eighteen inches (18") into the side yard setback.

Please note that you will need to re-submit your revised plans to include the full overhang to Montgomery County's Department of Permitting Services (DPS). Once DPS has approved the amended plans, you must submit a copy of the County-stamped plans to our office, at which time the Village's Building Permit will be issued.

No work is permitted on the addition until you have received and prominently displayed all applicable permits for this project.

If you have any questions or need additional information, please contact the Village office at (301) 654-7300.

Sincerely,



Shana R. Davis-Cook
Acting Manager
Chevy Chase Village

Enclosures

CASE NO. A-5642
Variance Request of Bailey C. Adams
(Hearing held November 9, 2009)

DECISION OF THE BOARD OF MANAGERS

Summary of Case

This proceeding involves an application for a variance pursuant to Section 8-12(b) of the Chevy Chase Village Code (the "Village Code"). Bailey C. Adams (the "Applicant") proposes to construct a 2-story rear addition, the soffit, fascia, and gutter of which would encroach up to eighteen (18) inches into the seven (7) foot southwest side-yard setback. The Village Code prohibits part of a house from being constructed within seven (7) feet of a side lot line. Accordingly, a variance is required. The property is known as Lot 18, Block 1, in the "Section 1, Chevy Chase" subdivision, also known as 5625 Grove Street, Chevy Chase, Maryland 20815 (the "Subject Property").

Applicable Law

The application seeks a variance from the requirements of Section 8-17(g) of the Village Code, which provides, in pertinent part: "No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lines of such premises, nor within ten (10) feet of the nearest adjacent dwelling."

Section 8-11(c) provides that the Board of Managers may grant a variance if it finds that the proposed variance: (1) "is required because special conditions exist whereby the enforcement of the requirements of [the building regulations] would result in unwarranted hardship and injustice to the owner;" (2) "would most nearly accomplish the intent and purpose of the requirements of [the building regulations];" and (3) "the structure authorized by the proposed variance would not violate any covenant applicable to the property."

Procedural History

The Applicant submitted an Application for a Variance dated October 19, 2009. Notice of the hearing was posted at the Village Hall, posted at the property, and mailed to all abutting and confronting property owners on October 29, 2009. The notice indicated that the Board of Managers would hold a public hearing in the Village Hall on November 9, 2009 at 7:30 p.m. to consider the Applicant's request.

Summary of Evidence

The Applicant submitted the following materials in support of his request: (i) the aforementioned Application for a Variance; (ii) a copy of his Building Permit Application; (iii) a location drawing depicting existing conditions; (iv) a site plan showing the location of the proposed addition; (v) architectural drawings depicting the elevations of the proposed construction; (vi) a copy of the applicable covenants; (vii) a letter in support from Adriana and Kenneth Wiseman of 5621 Grove Street dated October 30, 2009; and (viii) two photographs depicting existing conditions. Two additional photographs of the Subject Property were submitted for the record by Village staff.

The Applicant asserts in his application that his lot is subject to special conditions because the existing house is located only seven feet from the southwest side property line. Also, the Applicant asserts that the house was built in compliance with the five-foot setback imposed by covenant. He asserts that the covenant was designed to accommodate up to a two-foot projection for eaves, and the eaves of the proposed addition should not be considered for purposes of the Village's seven-foot side-yard setback.

Mr. Adams asserts that enforcement of the building regulations would result in an unwarranted hardship and injustice because he would not be able to build the proposed addition in conformity with the existing house. The Applicant asserts that if the addition were required to

be set back from the existing structure, he would lose desired continuous kitchen space. He further asserts that if he were to construct a gutter-less, soffit-less wall, it would be visually inconsistent with the existing house.

The Applicant further asserts that the proposed variance would most nearly accomplish the intent and purpose of the requirements of Chapter 8 of the Village Code because the proposed variance would allow the rear addition to incorporate the existing configuration and architectural design of the non-conforming house, with its encroaching soffit, fascia, and gutter.

Mr. Adams appeared at the hearing in support of the request. He explained that the proposed addition would be eight (8) feet, eight (8) inches in length along the southwest side. He pointed out that the adjoining neighbors to the west have submitted a letter in support of the request. Mr. Adams stated that the variance is requested so that the existing soffit can be continued along the proposed addition.

Susie Eig of 34 West Kirke Street appeared at the hearing and inquired whether the proposed addition would comply with the Village's lot coverage requirement. Staff confirmed that the proposed addition would not create lot coverage in excess of the allowable thirty-five (35) percent.

No correspondence or testimony was presented in opposition to the Applicant's request.

Findings of Fact

Based upon the testimony and evidence of record, the Board makes the following findings in connection with this matter:

1. The Applicant's house is a developmental non-conformity in that the eaves on the southwest side encroach eighteen (18) inches into the seven (7) foot southwest side-yard setback;
2. The requested variance is necessary to allow the eaves of the proposed

rear addition to conform architecturally with the existing eaves on the southwest side of the house;

3. The eaves of the proposed addition would encroach no farther into the side-yard setback than the existing eaves on the southwest side of the house;

4. Among the various intents and purposes of the Village Code are maintaining open vistas along Village streets and providing for the adequate flow of light and air;

5. Inasmuch as the existing eaves encroach into the side-yard setback to the same or greater extent than would the proposed eaves, the proposed eaves would not materially block any existing vista nor would they materially interfere with the flow of light and air from Grove Street;

6. Another purpose of the Village Building Code is to maintain the character of the neighborhood. The eaves proposed by the Applicant would be consistent with the eaves of the existing structure and the character of the neighborhood;

7. The proposed construction would not violate the covenant applicable to the property that provides, in pertinent part, "no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of the lot on which it is to stand;"

8. The proposed construction would not violate any other covenant applicable to the property;

9. The Applicant's adjoining neighbors to the west, who would be the most directly affected by the variance, support the request; and

10. No objections to the proposed addition have been raised.

Conclusions

Based upon the foregoing findings, the Board concludes the following:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Code would result in unwarranted hardship and injustice to the owner;
2. The proposed variance would most nearly accomplish the intent and purpose of the requirements of the Village Code; and
3. The structure authorized by the proposed variance would not violate any covenant applicable to the property.

Grant of Variance

Accordingly, the requested variance from the requirements of Section 8-17(d) which provides: "No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lines of such premises, nor within ten (10) feet of the nearest adjacent dwelling," for the construction of a rear addition the eaves of which would encroach up to eighteen (18) inches into the seven (7) foot southwest side-yard setback, is GRANTED, provided, however, that:

1. The addition and eaves described above shall be constructed and maintained in accordance with the plans and specifications submitted for the record in this matter; and
2. The construction shall be completed on or before the 9th day of November, 2010.

Resolution

The Chevy Chase Village Board of Managers hereby adopts the following Resolution:

BE IT RESOLVED by the Board of Managers of Chevy Chase Village that the decision stated above be adopted as the decision as required by Section 8-12(d) of the Chevy Chase Village Code, and the Village Manager be and hereby is

authorized and directed to issue a building permit for the construction of a rear addition the eaves of which would encroach up to eighteen (18) inches into the seven (7) foot southwest side-yard setback in accordance with this decision.

The foregoing Decision and Resolution was adopted by the Chevy Chase Village Board of Managers, with the following members voting in favor: Gail Feldman, Douglas B. Kamerow, Robert L. Jones, Betsy Stephens, David Winstead, and Peter Yeo. Timothy Trifilo was not present for the hearing and did not participate in this Decision.

I DO HEREBY CERTIFY, that the foregoing Decision was approved and adopted by the Chevy Chase Village Board of Managers on this 18 day of November, 2009.



Robert L. Jones, Secretary
Board of Managers

Bailey Adams
5625 Grove Street
Chevy Chase, MD 20815

11/13/2009

Lot Coverage calculation pursuant to plans submitted on 10/15/09

including overhangs: 24%

not including overhangs: 20%

10/21/09

DRAWN

SUBMITTED

5906 Connecticut Avenue
Chevy Chase, MD 20815
(301) 654-7300 Phone
(301) 907-9721 Facsimile
www.ccvillage.org
shana.davis-cook@montgomerycountymd.gov

Chevy Chase Village

Memo

To: David R. Podolsky, Village Counsel

From: Shana R. Davis-Cook, Acting Manager 

Date: 11/20/2009

Re: Signed Decisions

Enclosed please find copies of the following decisions:

A-5641: Mr. and Mrs. Andrew B. Steinberg, 5 West Lenox Street

Replace existing driveway and driveway apron.

A-5638: Mr. and Mrs. Kenneth Kaufman, 6311 Broad Branch Road

Relocate, widen and replace the existing driveway. The new driveway would be a maximum of thirteen feet, two inches (13'-2") wide in the Broad Branch Road public right-of-way.

A-5642: Mr. Bailey C. Adams, 5625 Grove Street

Construct a 2-story rear addition, the soffit, fascia and gutter of which would encroach eighteen inches (18") into the southwest seven foot (7') side yard setback.

A-5624: Mr. Dane Butswinkas and Ms. Megan Rupp, 7 West Kirke Street

Replace an existing wood picket fence with a wood board fence and gate in the Laurel Parkway public right-of-way.

A-5622: Mr. Dane Butswinkas and Ms. Megan Rupp, 7 West Kirke Street


Demolish the existing detached garage located in the northwest portion of the property.

These decisions are provided to you for your files. Please feel free to contact me should you have any questions or need additional information.

5906 Connecticut Avenue
Chevy Chase, MD 20815
(301) 654-7300 Phone
(301) 907-9721 Facsimile
www.chevychasevillagemd.gov
shana.davis-cook@montgomerycountymd.gov

Chevy Chase Village

Memo

To: Robert L. Jones, Secretary
From: Shana R. Davis-Cook, Acting Manager 
Date: 11/18/2009
Re: Signature Request

Enclosed please find the following approved decisions:

A-5641: Mr. and Mrs. Andrew B. Steinberg, 5 West Lenox Street
Replace existing driveway and driveway apron.

A-5638: Mr. and Mrs. Kenneth Kaufman, 6311 Broad Branch Road
Relocate, widen and replace the existing driveway. The new driveway would be a maximum of thirteen feet, two inches (13'-2") wide in the Broad Branch Road public right-of-way.

A-5642: Mr. Bailey C. Adams, 5625 Grove Street
Construct a 2-story rear addition, the soffit, fascia and gutter of which would encroach eighteen inches (18") into the southwest seven foot (7') side yard setback.

A-5624: Mr. Dane Butswinkas and Ms. Megan Rupp, 7 West Kirke Street
Replace an existing wood picket fence with a wood board fence and gate in the Laurel Parkway public right-of-way.

A-5622: Mr. Dane Butswinkas and Ms. Megan Rupp, 7 West Kirke Street
Demolish the existing detached garage located in the northwest portion of the property.

Please sign and return these decisions to the Village office at your earliest convenience.

Thank you for your assistance.

A-5642

Construct a 2-story rear addition, the soffit, fascia and gutter of which would encroach eighteen inches (18") into the southwest seven foot (7') side yard setback.

Mr. Bailey C. Adams
5625 Grove Street

5625 Grove Street

View toward rear yard:



View from rear yard:



MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§ 59-B-3.2

Article 59-B

Sec. 59-B-3.2. Bay windows.

In any residential zone, any bay window, oriel, entrance, vestibule or balcony, 10 feet or less in width, may project not more than 3 feet into any minimum front or rear yard.

Sec. 59-B-3.3. Cornices, eaves, outside stairways, chimneys, air conditioners and heat pumps.

- (a) Cornices and eaves may project 2 ½ feet or less over any court or yard, but such projection shall be not less than 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.
- (b) Sills, leaders, belt courses, and similar ornamental features may project not more than 6 inches over any court or yard. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.
- (c) Fire escapes may project not more than 5 feet over any minimum yard.
- (d) Outside stairways may project not more than 5 feet over a minimum rear yard only.
- (e) Chimneys in any one-family residential zone may project not more than 24 inches into any minimum front, rear, or side yard.
- (f) Chimneys in any R-30, R-20 or R-10 zone may project not more than 4 feet into any minimum front, rear or side yard.
- (g) Chimneys used as walls shall not be allowed to project into any minimum yard.
- (h) Air conditioners and heat pumps may project not more than 5 feet into any minimum front or rear yard. Additional projection shall be permitted for the purpose of adding noise abatement devices. Any air conditioners or heat pumps existing within any minimum side yard prior to July 27, 1982, shall not be considered a nonconforming use, and may be continued and replaced.

(Legislative History: Ord. No. 9-77, § 1; Ord. No. 10-72, § 1.)

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of November, 2009 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-5642
MR. BAILEY C. ADAMS
5625 GROVE STREET
CHEVY CHASE, MD 20815**

The applicant seeks a variance from the Board of Managers pursuant to Section 8-12 of the Chevy Chase Village Building Code to construct a 2-story rear addition, the soffit, fascia and gutter of which would encroach eighteen inches (18") into the southwest seven foot (7') side yard setback.

The Chevy Chase Village Code §8-17 (g) states:

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 29th day of October, 2009.

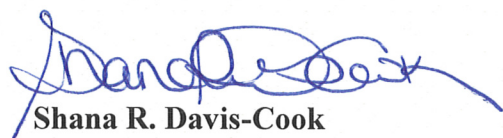
**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-5642

**MR. BAILEY C. ADAMS
5625 GROVE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Ms. Lynn Kingsmill Or Current Resident 5616 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Victor B. Fisher Or Current Resident 5624 Western Avenue Chevy Chase, MD 20815
Mr. and Mrs. Kenneth L. Wiseman Or Current Resident 5621 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Asif Shaikh Or Current Resident 3911 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Ronald A. Shapiro Or Current Resident 5620 Grove Street Chevy Chase, MD 20815	Mr. and Mrs. Oliver Davidson Or Current Resident 3915 Oliver Street Chevy Chase, MD 20815
Ms. Billie J. Webster Or Current Resident 3909 Oliver Street Chevy Chase, MD 20815	Mr. and Mrs. Enzo R. Grilli Or Current Resident 3917 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Jeremy Monthy Or Current Resident 5620 Western Avenue Chevy Chase, MD 20815	Mr. and Mrs. John H. Williamson Or Current Resident 3919 Oliver Street Chevy Chase, MD 20815
Mr. and Mrs. Thomas P. Conaghan Or Current Resident 5628 Western Avenue Chevy Chase, MD 20815	Mr. Phillip Spector Ms. Carole Sue Lebbin Or Current Resident 3912 Oliver Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 29th day of October, 2009.



**Shana R. Davis-Cook
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

SHANA R. DAVIS-COOK
Acting Village Manager
DAVID R. PODOLSKY
Legal Counsel

CHEVY CHASE VILLAGE
5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.ccville.org

BOARD OF MANAGERS
DOUGLAS B. KAMEROW
Chair
DAVID L. WINSTEAD
Vice Chair
ROBERT L. JONES
Secretary
BETSY STEPHENS
Assistant Secretary
GAIL S. FELDMAN
Treasurer
TIMOTHY J. TRIFILO
Assistant Treasurer
PETER M. YEO
Board Member

October 29, 2009

Mr. Bailey C. Adams
5625 Grove Street
Chevy Chase, MD 20815

Dear Mr. Adams:

Please note that your request for a variance to replace construct a rear addition is scheduled before the Board of Managers on Monday, November 9, 2009 at 7:30 p.m.

Either you or a representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of your request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Shana R. Davis-Cook
Acting Manager
Chevy Chase Village

Enclosures

Chevy Chase Village Building Permit Application

Permit Number: A-5642

Date of Application: 10.19.09

Applicant Name: <u>BAILEY C. ADAMS</u>	
Address: <u>5625 GROVE STREET</u>	Phone: <u>301 718-2626</u>
Contractor: <u>ADAMS GEN. CONTR. INC.</u>	Phone: <u>301 215-7500</u>
Contact Person: <u>BAILEY C. ADAMS</u>	MHI/MD Contractor's Lic. No. <u>7869</u>

Filing Requirements

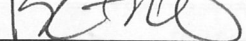
- ☒ A recent house location survey showing all existing and proposed structures.
- ☒ Construction plans and specifications. If trees that are twenty-four inches (24") in circumference or larger measured four feet six inches (4'6") above ground level are at risk of being disturbed during the construction, they must be shown on the submittal plans.
- ☒ Copy of stamped, approved Montgomery County drawings (if required). These drawings will remain on file at Chevy Chase Village.
- ☒ Copy of plans that show location of dumpster, portable sanitation facility, delivery zone and parking area.
- ☒ Copy of Covenants (if required).
- ☒ The filing fees for a Chevy Chase Village Building Permit are listed in Chapter 6 of the Village Code.
- ☒ Completed Building Permit Application and payment of filing fees.

The Village Manager will review the application and accompanying documents and, under most circumstances, will act on the building permit within 5 to 10 working days.

In the event the Montgomery County building permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the contractor, architect or other service provider associated with the permitted project shall be posted on the site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Building Code, the Montgomery County Zoning Code, the Village Tree Ordinance, and all applicable covenants on the above property.

Applicant's Signature: 

Date: 10.19.09

For use by HPC only:

Historic Area Work Permit required?

Yes ☐

No ☒ _____ (HPC initials)

Exact Description of Construction Plans:

2 STORY REAR BRICK VENEER ADDITIO^N w/ BASEMENT.

- ☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.
☒ Check here if a dumpster will be used (only permitted on private property). If so, applicant must file for a Village Dumpster Permit.

Parking Compliance

Is adequate on-site parking available for the construction crews? ☒ Yes ☐ No

If the answer is no, please provide a plan for parking which minimizes inconvenience to neighboring residents indicating if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? ☐ Yes ☒ No

Responsible Party:

Will the residence be occupied during the construction project? ☒ Yes ☐ No

If no, please provide the name, address, business and after-hours phone number for the project manager or the party responsible for the construction site.

For Use By Village Manager

Approved with the following conditions:

For Use By Village Manager

Denied for the following reasons:

D E N I E D

OCT 19 2009

Chevy Chase
Village Manager

A portion of the proposed addition encroaches into the side yard setback by eighteen inches (18").

Filing Fees

Permit Fee: 550

Damage Deposit:

Appeal Fee: 300

Tree Preservation Plan:

Total Fees & Deposits: 850⁰⁰

Checks Payable To:

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Date:

10-19-2009

Staff Signature:

Doris M. Rye

Chevy Chase Village Application for a Variance

Variance No. A-5642

Date of Application: 10.19.09

Subject Property: <u>5625 GROVE STREET, CHEVY CHASE, MD 20815</u>
Describe the Proposed Project: <u>REAR ADDITION @ WEST EXISTING BUILDING WALL CONTINUE EXISTING SOFFIT / GUTTER ALONG ADDITION FACE.</u>

Applicant Name(s) (List all property owners): <u>BAILEY C. ADAMS</u>	
Phone: <u>301.718.2626</u>	
Email: <u>bcaadams@comcast.net</u>	Cellular Phone:
Address (if different from property address):	

Filing Requirements

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Denied Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Applicable variance fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: BAILEY C. ADAMS

Date: 10.19.09

Applicant's Signature: _____

Date: _____

Describe the basis for the variance request (attach additional pages as needed).

- ① Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

- ② Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

- ③ Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Fee	Checks Payable To:	Chevy Chase Village
Fee Paid: 300	#1075	5906 Connecticut Avenue
Date Paid: 10-19-2009	Staff Signature: [Signature]	Chevy Chase, MD 20815

part of the \$850

Bailey C. Adams
5625 Grove Street
Chevy Chase, MD 20815

19 October, 2009

Dr. David Kamerow, Chair
Board of Managers
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Dr. Kamerow,

I reside in the Village at 5625 Grove Street. I have been denied a building permit for a small addition to the rear of my property because a continuation of my existing soffit, fascia and gutter would project 18" into the side yard setback. I believe I should be granted a variance in this case for the following reasons:

- 1 By covenant, the property has a five-foot side yard building restriction line while the exterior west wall is built at seven feet from the property line. The five-foot building restriction line was designed to accommodate up to a two-foot eave projection from the wall as built. This is a typical pre-1950 condition in the Village but the current building regulations interpret the eave as an encroachment to the sideyard. The Village is the only jurisdiction in Maryland to consider the eave projection as the building footprint and thereby an encroachment into the sideyard setback.
- 2 Enforcement of the building regulations would result in a hardship created in the configuration of the continuous interior kitchen space if the West exterior wall were required to jog into the property by 18" to accommodate the depth of the soffit. As an alternative, the gutterless, soffitless wall proscribed by building to the regulations would be visually incoherent.
- 3 The existing brick wall is allowed by regulation to continue; continuation of the existing soffit, fascia and gutter, **only in its exact and precise configuration**, maintains the architectural integrity of the building and alleviates the hardship.

Thank you for your consideration,



Bailey C. Adams

Davis-Cook, Shana

From: bcadams [bcadams@comcast.net]
Sent: Monday, November 02, 2009 8:17 AM
To: Davis-Cook, Shana
Subject: 5625 Grove Street Appeal #A-5642
Attachments: 5625 GROVE STREET PROPOSED WEST ELEVATION D[3].pdf; 5625 GROVE STREET PROPOSED WEST ELEVATION D DETAIL[3].pdf; 5625 GROVE STREET PROPOSED WEST ELEVATION DETAIL.pdf; 5625 GROVE STREET PROPOSED WEST ELEVATION.pdf; wiseman_appeal.pdf

Dear Ms. Davis-Cook,

Here is the letter of support from my neighbors Adriana and Kenneth Wiseman, 5621 Grove Street, that we spoke about last week. I have also converted all of the other materials to PDF files so that they may be posted to your website more easily.

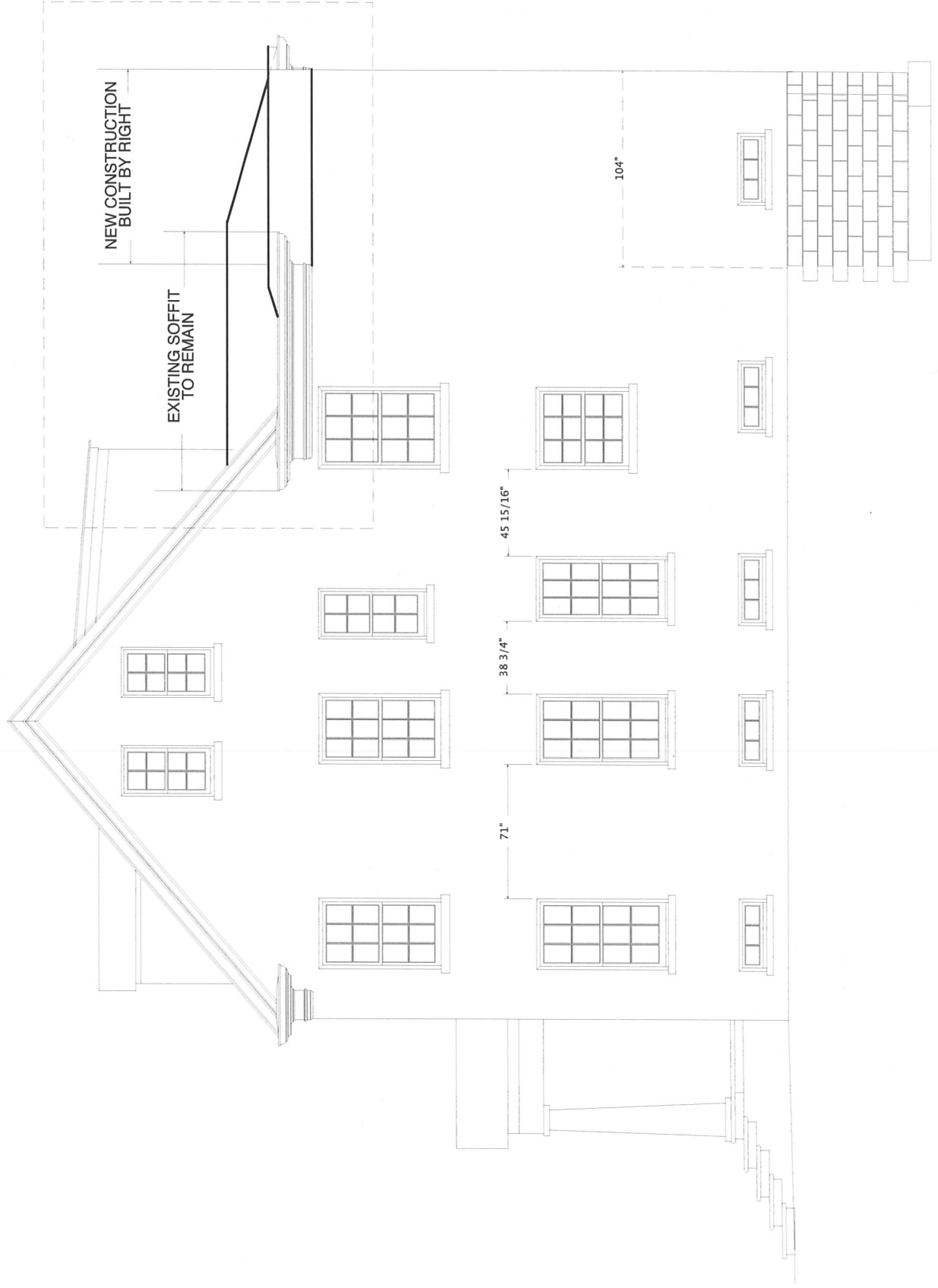
Please let me know if you have any problem opening or downloading any of these documents.

Thanks,

Bailey C. Adams

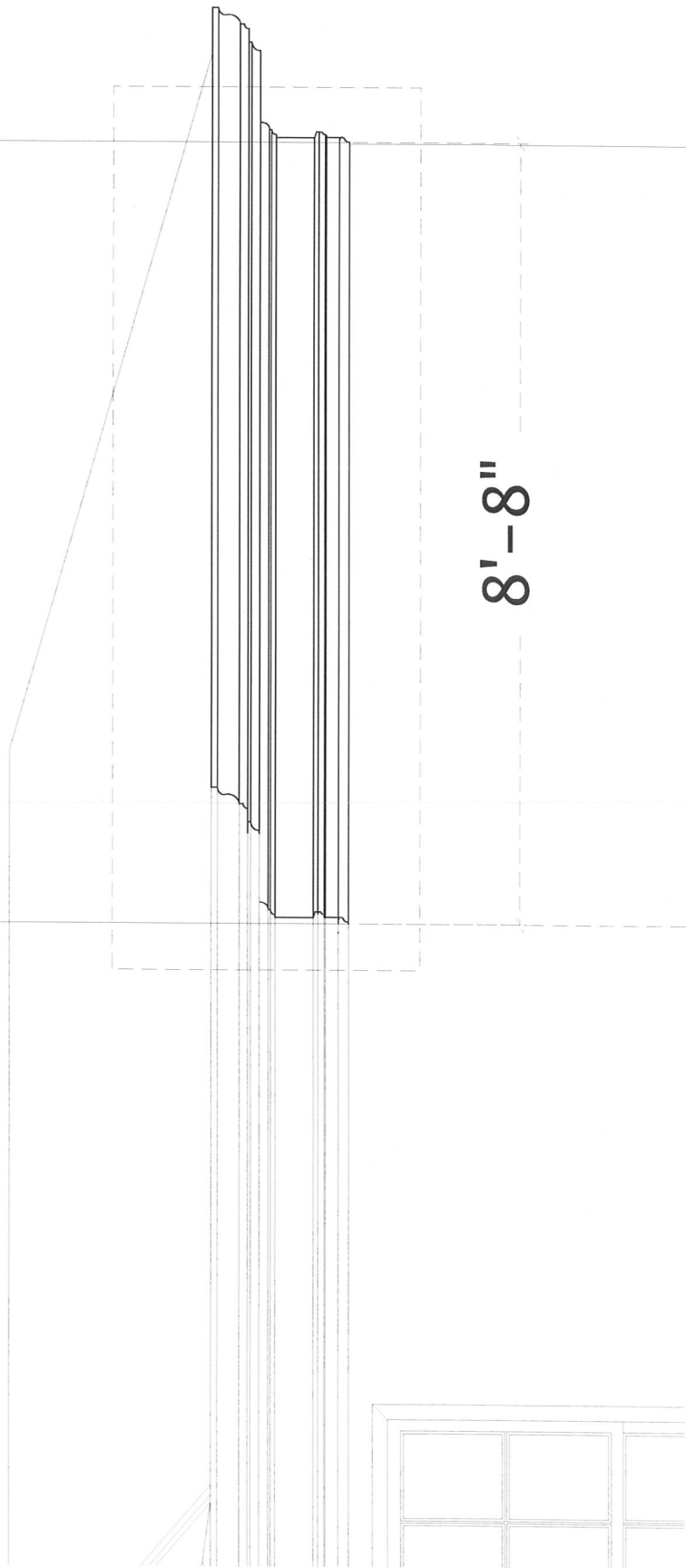
5625 GROVE STREET
WEST ELEVATION

ADDITION BUILT BY RIGHT



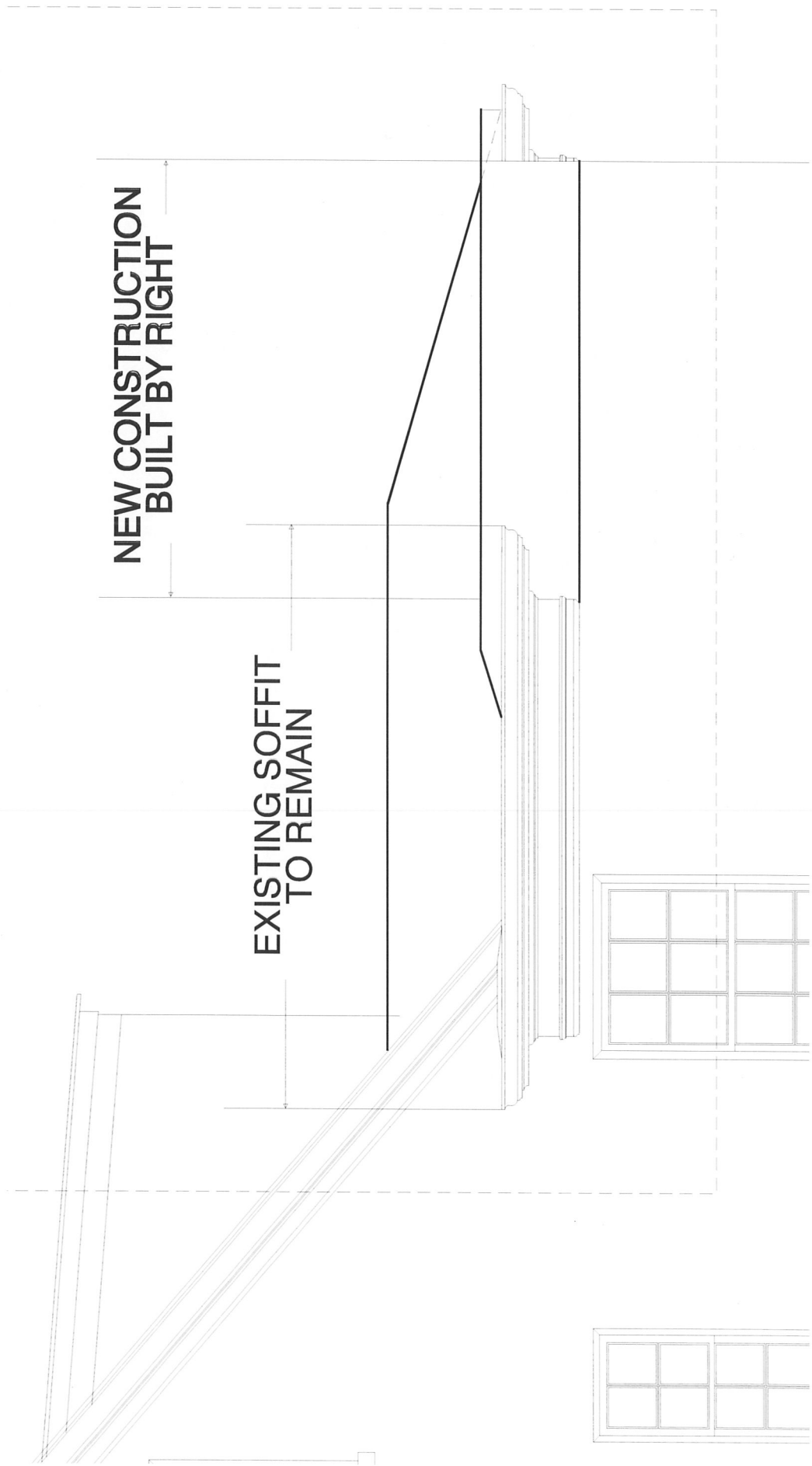
NEW CONSTRUCTION
TO MATCH EXISTING
WITH
SPECIAL PERMIT

8'-8"



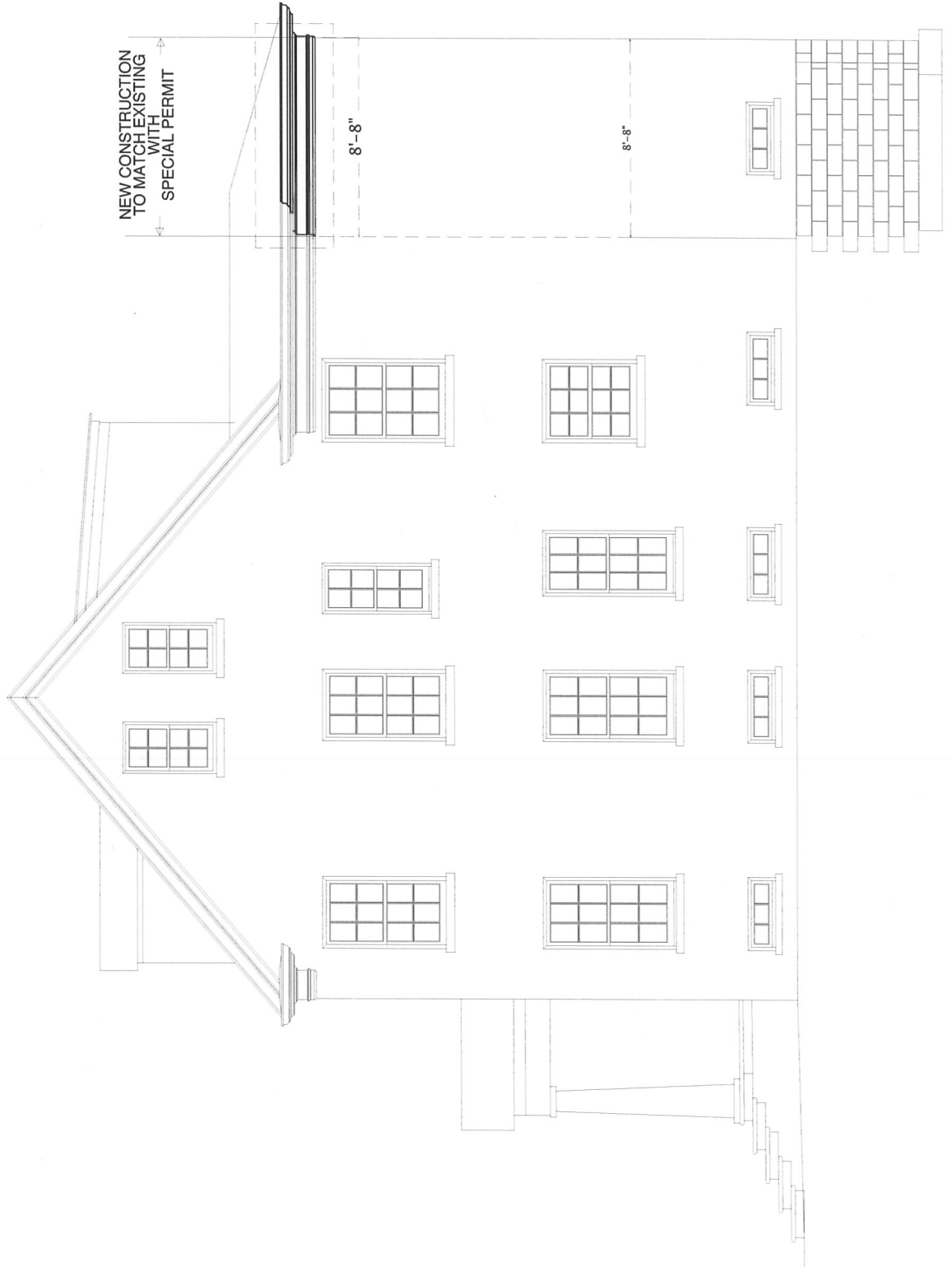
**NEW CONSTRUCTION
BUILT BY RIGHT**

**EXISTING SOFFIT
TO REMAIN**



5625 GROVE STREET
WEST ELEVATION

ADDITION BUILT WITH SPECIAL PERMIT



Adriana & Kenneth Wiseman
5621 Grove Street
Chevy Chase, MD 20815

30 October, 2009

Dr. David Kamerow, Chair
Members of the Board of Managers
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Re: Appeal # 5642

Dear Dr. Kamerow and Members of the Board,

We are writing in support of Mr. Bailey Adams request for a special permit that would allow him to continue the existing eave and soffit construction as a part of his addition. We reside directly across from the proposed addition and will see it every day from our kitchen window and its appearance is important to us. We believe that the continuation of the eave would be logical, appropriate and pleasing and would not encumber the use or enjoyment of our property in any way. We strongly prefer replicating the existing eave to the flat wall that would be constructed by right without the special permit.

We therefore urge you to grant Mr. Adams the special permit he has requested.

Sincerely yours,



Adriana & Kenneth Wiseman

Davis-Cook, Shana

From: bcadams [bcadams@comcast.net]
Sent: Tuesday, November 03, 2009 8:48 AM
To: Davis-Cook, Shana
Subject: 5625 Grove Street Appeal #A-5642
Attachments: 5625 soffit 1[3].jpg; 5625 soffit 4[3].jpg

Dear Ms. Davis-Cook,

Here are two photographs taken from the Wiseman's house, 5621 Grove Street, that clearly illustrate the area in question. I thought they would be helpful.

Thanks,

Bailey C. Adams





and did acknowledge the foregoing deed to be her act.

In testimony whereof I have affixed my official seal this 2nd day of November A.D. 1925.

John O. Allen
Notary Public
District of
Columbia

John O. Allen
Notary Public
Commission Expires March 27, 1930

EXAMINED

Mailed to:

Phoebe G. Fisher & Co.
738-15th St.

Wash. D.C.

1-13-26

AT the request of Jesse H. Hedges and F. Eliot Middleton the following deed was recorded November 3rd A.D. 1925 at 10:01 o'clock A.M. to wit:-

This deed made this thirty first day of October in the year one thousand nine hundred and twenty five, by and between The Chevy Chase Land Company of Montgomery County Maryland (a corporation duly organized under and by virtue of the laws of the state of Maryland), party of the first part and Jesse H. Hedges and F. Eliot Middleton, of the state of Maryland, parties of the second part:

Witnesseth that the said party of the first part for and in consideration of the sum of one hundred and twenty thousand five hundred and ninety and 20/100 (120,590.20) dollars to it paid by the said parties of the second part and of the covenants and agreement of the said parties of the second part as hereinafter set forth does hereby grant and convey unto the said parties of the second part, as joint tenants in fee simple, the following described land and premises, with the improvements easements and appurtenances thereunto belonging, situate in the county of Montgomery State of Maryland, namely:-

Lots numbered one (1) two (2) three (3) four (4) five (5) six (6) seven (7) eight (8) nine (9) ten (10) eleven (11) twelve (12) thirteen (13) fourteen (14) fifteen (15) sixteen (16) seventeen (17) eighteen (18) nineteen (19) and twenty (20) in block numbered one (1) in the subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, known as "Section One Chevy Chase", as per plat of said subdivision recorded in plat book No. 4 page 312, of the land records of Montgomery County, Maryland,.

Subject to building restriction line and agreement and subject to reservation for sewer and water main and for other purposes as set forth on said plat recorded in plat book No 4 page 312 of said land records.

To have and to hold the said land and premises with the improvements easements and appurtenances unto and to the use of the said parties of the second part as joint tenants in fee simple.

In consideration of the execution of this deed, the said parties of the second part, for themselves and for each of them for their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns, (such covenants and agreements to run with the land) as follows, viz :

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively except stables carriage -houses sheds or other outbuild-

EXHIBIT "A"

ings, for use in connection with such residences, and that no trade, business manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within (of the line Western Avenue; nor within fifteen (15) feet of the line of Cedar Parkway, nor within twenty (20) feet of the line of Grove Street, nor within twenty (20) feet of the line of Oliver Street; and that no stable carriage-house shed or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street avenue or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than \$7500.

4. That any house erected on said premises shall be designed for the occupancy of a single family and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of any of said lots hereby conveyed nor within ten (10) feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lots or square or part of a lot or square in the section of the subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed and to execute such further assurances of said land as may be requisite.

In testimony whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stellwagen, its President attested by William L. Miller, its Assistant Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint William L. Miller its true and lawful attorney in fact for it and in its name place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment and to deliver the same as such.

Attest:

Wm. L. Miller

Assistant Secretary

The Chevy Chase Land Company of
Montgomery County, Maryland,
By: Edward J. Stellwagen

President

The Chevy Chase Land
Co., of Montgomery
County, Maryland

(Internal Revenue \$121.00)

District of Columbia, to wit:

I Albert W. Sioussa a Notary Public in and for the said District of Columbia do hereby certify that William L. Miller who is personally well known to me to be the person named as attorney in fact in the foregoing and annexed deed, dated the thirty first day of October

1925, to acknowledge the same personally appeared before me in the said District of Columbia, and as attorney in fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid, deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this thirty first day of October A.D. 1925.

Albert W. Sioussa
Notary Public D.C.

Albert W. Sioussa
Notary Public
District of Columbia
Commission Expires
June 2nd, 1928

EXAMINER

Mailed to:
The G. Flather & Co.
133-15th St.
Wash. D.C.
1-13-26

AT the request of G. Elmer Flather et ux., the following deed was recorded November 3rd A.D. 1925 at 10:01 o'clock A.M. to wit:-

This deed made this 30th day of October in the year one thousand nine hundred and twenty five, by and between The Chevy Chase Land Company of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland) party of the first part and G. Elmer Flather and Mary P. Flather, his wife of the District of Columbia, parties of the second part:

Witnesseth that the said party of the first part, for and in consideration of the sum of three thousand (3000) dollars to it paid by the said parties of the second part and of the covenants and agreements of the said parties of the second part as hereinafter set forth does hereby grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, the following described land and premises with the improvements easements and appurtenances thereunto belonging situate in the county of Montgomery state of Maryland, namely:

All that piece or parcel of land lying on the south side of Grafton street as said street is shown on the plat of resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, known as "Chevy Chase Section two", as per plat of said resubdivision recorded in plat book No. 2 page 106 of the land records of Montgomery County, Maryland, being a re-record of the plat of subdivision recorded in liber J.A. No. 36 folio 61, of said land records described by metes and bounds as follows, to wit:-

Beginning for the same on the south line of said Grafton Street at a point distant six hundred and eighty and eighty five hundredths (680.85) feet west from the intersection of said line of Grafton Street with a line having a radius of two hundred and fifteen (215) feet from the center of Chevy Chase Circle, and running thence south and at right angle to said Grafton Street, one hundred and twenty five (125) feet; thence west and parallel with said Grafton Street sixty (60) feet thence north and at right angles to said Grafton street one hundred and twenty five (125) feet to the south line of said street; and thence east and along said line of said Grafton street sixty (60) feet to the place of beginning.

To have and to hold the said land and premises with the improvement easement

information shown hereon has been prepared without benefit of a Title Report, therefore, may not reflect all easements or encumbrances which may affect subject property.

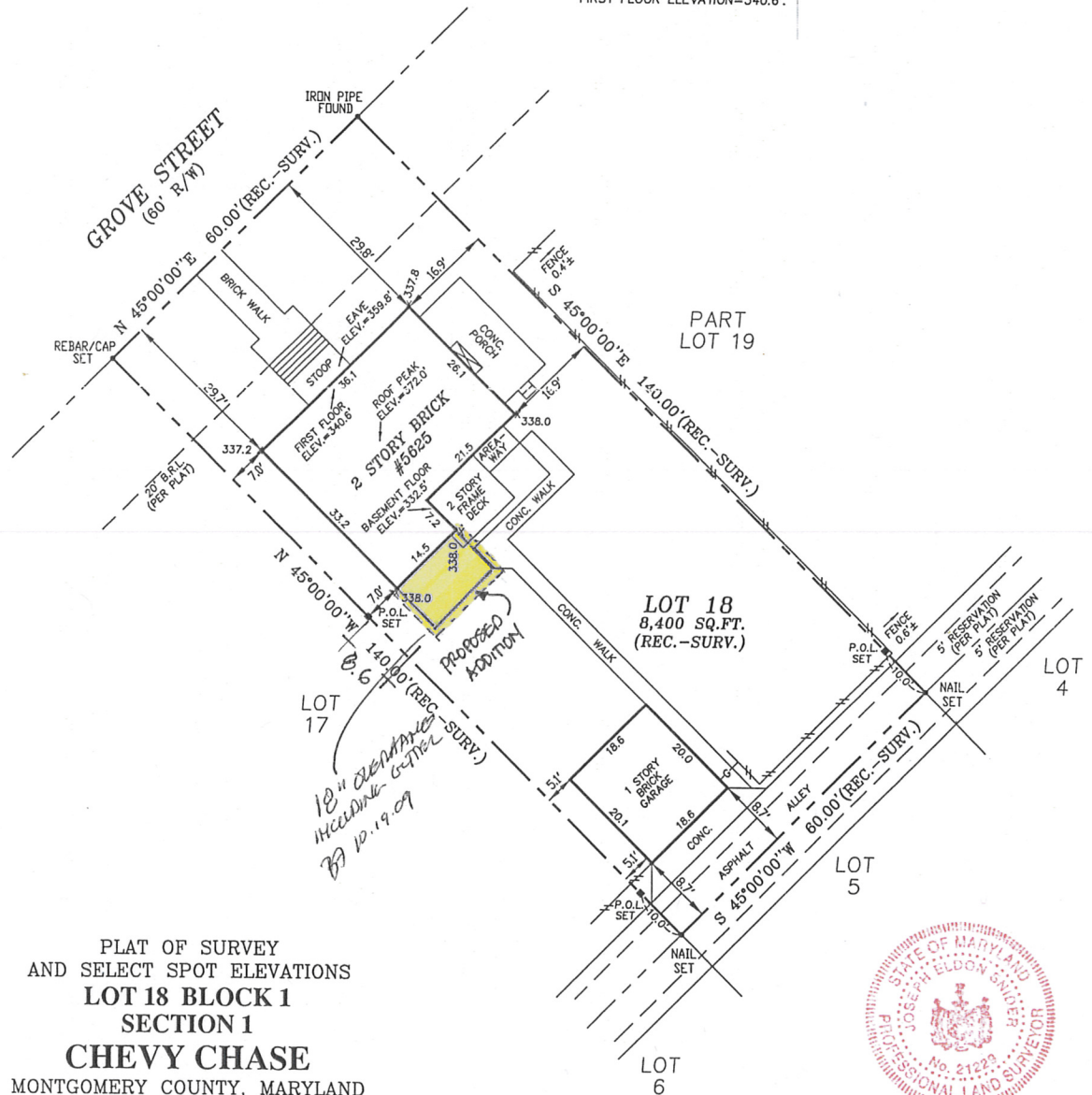
P.B.4 P.312

GENERAL NOTES:

1. FLOOD ZONE "X" PER H.U.D. FLOOD INSURANCE RATE MAPS COMMUNITY PANEL NUMBER 240142-0455D. FLOOD ZONE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND IS SUBJECT TO THE INTERPRETATION OF THE ORIGINATOR.
2. PROPERTY IS SHOWN IN MONTGOMERY COUNTY TAX ASSESSMENT BOOK, MAP PAGE HM-43.
3. ALL PROPERTY CORNERS HAVE BEEN RECOVERED OR SET AND VERIFIED PER FIELD SURVEY PERFORMED: 7-22-09 & 7-29-09.
4. P.O.L. INDICATES POINT SET ALONG PROPERTY LINE.

TOPOGRAPHIC INFORMATION NOTES:


1. THE ELEVATIONS SHOWN HEREON HAVE BEEN ESTABLISHED BASED UPON WSSC VERTICAL DATUM OBTAINED FROM THE WSSC INTERNET GIS FOR CONTRACT 26209Y AS SHOWN ON WSSC 200' SHEET 207NW04. THE BENCH MARK SHOWN FOR THIS DATUM HAS BEEN ASSIGNED THE FOLLOWING ELEVATION.
FIRST FLOOR ELEVATION=340.6'.



PLAT OF SURVEY
AND SELECT SPOT ELEVATIONS
LOT 18 BLOCK 1
SECTION 1
CHEVY CHASE
MONTGOMERY COUNTY, MARYLAND



Building Line and/or Flood Zone Information is taken from Available Sources and is Subject to Interpretation of Originator.

SURVEYOR'S CERTIFICATE		REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100 Fax 301/948-1286	
"I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD SURVEY PURSUANT TO THE DEED OR PLAT OF RECORD. PROPERTY MARKERS HAVE BEEN RECOVERED OR PLACED IN ACCORDANCE WITH THE INFORMATION SHOWN". <i>Joseph E. Snider</i> MARYLAND PROFESSIONAL LAND SURVEYOR REG. NO. 21229		PLAT BK.	4		DATE OF LOCATIONS	SCALE: 1" = 30'
		PLAT NO.	312		WALL CHECK:	DRAWN BY: J.E.S.
		LIBER	18645		HSE. LOC.: 7-29-09	JOB NO.: 09-25056
		FOLIO	1			